

9. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES.**

**AMENDMENT TO H.R. 10, AS REPORTED
OFFERED BY MR. CASTLE OF DELAWARE**

(Page and line numbers refer to the Committee Print of the
Committee on Rules dated October 4, 2004)

At the end of the bill, insert the following new section:

1 **SEC. 5___ . REMOVAL OF CIVIL LIABILITY BARRIERS THAT**
2 **DISCOURAGE THE DONATION OF FIRE EQUIP-**
3 **MENT TO VOLUNTEER FIRE COMPANIES.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Good Samaritan Volunteer Firefighter Assistance Act of
6 2004”.

7 (b) **LIABILITY PROTECTION.**—A person who donates
8 fire control or fire rescue equipment to a volunteer fire
9 company shall not be liable for civil damages under any
10 State or Federal law for personal injuries, property dam-
11 age or loss, or death proximately caused by the equipment
12 after the donation.

13 (c) **EXCEPTIONS.**—Subsection (b) does not apply to
14 a person if—

15 (1) the person’s act or omission proximately
16 causing the injury, damage, loss, or death con-
17 stitutes gross negligence or intentional misconduct;
18 or



1 (2) the person is the manufacturer of the fire
2 control or fire rescue equipment.

3 (d) PREEMPTION.—This section preempts the laws of
4 any State to the extent that such laws are inconsistent
5 with this section, except that notwithstanding subsection
6 (e) this section shall not preempt any State law that pro-
7 vides additional protection from liability for a person who
8 donates fire control or fire rescue equipment to a volunteer
9 fire company.

10 (e) DEFINITIONS.—In this section:

11 (1) PERSON.—The term “person” includes any
12 governmental or other entity.

13 (2) FIRE CONTROL OR RESCUE EQUIPMENT.—
14 The term “fire control or fire rescue equipment” in-
15 cludes any fire vehicle, fire fighting tool, communica-
16 tions equipment, protective gear, fire hose, or
17 breathing apparatus.

18 (3) STATE.—The term “State” includes the
19 several States, the District of Columbia, the Com-
20 monwealth of Puerto Rico, the Commonwealth of the
21 Northern Mariana Islands, American Samoa, Guam,
22 the Virgin Islands, any other territory or possession
23 of the United States, and any political subdivision of
24 any such State, territory, or possession.



1 (4) VOLUNTEER FIRE COMPANY.—The term
2 “volunteer fire company” means an association of
3 individuals who provide fire protection and other
4 emergency services, where at least 30 percent of the
5 individuals receive little or no compensation com-
6 pared with an entry level full-time paid individual in
7 that association or in the nearest such association
8 with an entry level full-time paid individual.

9 (f) EFFECTIVE DATE.—This section applies only to
10 liability for injury, damage, loss, or death caused by equip-
11 ment that, for purposes of subsection (b), is donated on
12 or after the date that is 30 days after the date of the
13 enactment of this Act.

14 (g) ATTORNEY GENERAL REVIEW.—

15 (1) IN GENERAL.—The Attorney General of the
16 United States shall conduct a State-by-State review
17 of the donation of firefighter equipment to volunteer
18 firefighter companies during the 5-year period end-
19 ing on the date of the enactment of this Act.

20 (2) REPORT.—Not later than 6 months after
21 the date of the enactment of this Act, the Attorney
22 General of the United States shall publish and sub-
23 mit to the Congress a report on the results of the
24 review conducted under paragraph (1). The report
25 shall include, for each State, the most effective way



1 to fund firefighter companies, whether first re-
2 sponder funding is sufficient to respond to the Na-
3 tion's needs, and the best method to ensure that the
4 equipment donated to volunteer firefighter compa-
5 nies is in usable condition.

